

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 05-25 Erie
)	
LEON F. AKERLY II)	

GOVERNMENT'S NOTICE OF INTENTION TO CALL EXPERT WITNESS

AND NOW comes the United States of America, by and through its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christine A. Sanner, Assistant United States Attorney for said district, and states:

The government intends to call Special Agent Maurice J. Ferentino, of the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), as an expert witness during its case in chief.

Special Agent Ferentino has been employed by the ATF for the past seven years. His duties include conducting criminal investigations concerning alleged violations of federal firearms laws; preparing reports relating to the identification, origin, and classification of firearms; and testifying in federal court on behalf of the United States in firearms related prosecutions.

Agent Ferentino has received formal training pertaining to the recognition and identification of firearms and their place of manufacture. During the course of his duties, he has examined thousands of firearms, and hundreds of rounds of ammunition, to determine their manufacturer, model, caliber/gauge, serial number,

and place of manufacture. A copy of Special Agent Ferentino's qualifications is attached as Exhibit 1.

The government intends to call Special Agent Ferentino as an expert witness to explain his examination of the firearms that were unlawfully possessed by the defendant, and whether those firearms moved in interstate or foreign commerce. The testimony will be consistent with the Report of Investigation provided to the defense in discovery on July 7, 2005. The testimony will conclude that the four items charged in Count One of the Indictment as having been unlawfully possessed by the defendant are firearms as defined in Title 18, United States Code, §§ 921(a)(3), (5) and (7), and that each of the four firearms traveled in or affected interstate and/or foreign commerce.

This represents the expected and anticipated presentation of the expert witness on behalf of the government. Of course, if the defendant anticipates the utilization of an expert witness, the government expects that such information and any reports or examination and tests he plans to utilize at trial be provided to the government pursuant to Fed.R.Crim.P. 16(b)(1)(A), (B), and (C).

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Christine A. Sanner
CHRISTINE A. SANNER
Assistant U.S. Attorney
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